

Senate File 2014 - Introduced

SENATE FILE 2014

BY SCHOENJAHN

A BILL FOR

1 An Act relating to harvesting grass growing in a public road
2 right-of-way.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 317.11, subsection 2, Code 2016, is
2 amended to read as follows:

3 2. a. ~~Nothing~~ By January 1 of each year, a landowner shall
4 notify the state department of transportation if the landowner
5 intends to harvest the grass growing in the right-of-way of
6 a public road adjacent to the landowner's land during that
7 calendar year. The notification shall be submitted in a
8 manner specified by the department. If the landowner notifies
9 the department in this way, nothing under this chapter shall
10 prevent the landowner from harvesting, in proper season on or
11 after July 15, the grass ~~grown on~~ growing in the right-of-way
12 of the road along adjacent to the landowner's land except
13 for vegetation maintained for highway purposes as part of
14 an integrated roadside vegetation management plan which is
15 consistent with the objectives in section 314.22. If the
16 landowner fails to notify the department by January 1, the
17 landowner may apply to the department for a permit to harvest
18 the grass growing in the right-of-way of a road adjacent to the
19 landowner's land pursuant to paragraph "b".

20 b. Any person, including the landowner, may apply to the
21 department on or after January 15 to obtain a permit to harvest
22 the grass growing in a particular area of the right-of-way of
23 a road adjacent to the landowner's land during that calendar
24 year. The application shall be submitted in a manner specified
25 by the department. If the landowner failed to notify the
26 department by January 1 as required under paragraph "a", the
27 department shall issue a permit to the person who submitted
28 the earliest valid application to harvest the grass growing in
29 the particular area of the right-of-way. If the person issued
30 the permit is not the landowner, the grass subject to the
31 permit may be harvested by the person without the landowner's
32 permission. If the department issues a permit to a person
33 other than the adjacent landowner, the department shall notify
34 the landowner by certified mail and the landowner shall not
35 harvest the grass growing in that area of the right-of-way

1 during that calendar year.

2 c. A permit issued pursuant to paragraph "b" shall meet all
3 of the following requirements:

4 (1) The permit shall allow the person to harvest grass
5 during a period of time on or after July 15, as specified by the
6 department.

7 (2) The permit shall not allow the person to harvest
8 vegetation maintained for highway purposes as part of an
9 integrated roadside vegetation management plan which is
10 consistent with the objectives in section 314.22.

11 (3) The permit shall not allow the person to harvest grass
12 in more than six hundred forty total acres of right-of-way,
13 including any acres covered by other permits issued to the
14 person under this subsection.

15 (4) The area of right-of-way covered by the permit shall be
16 no more than ten miles from the person's residence.

17 (5) Any grass harvested pursuant to the permit shall be for
18 personal use only.

19 (6) The permit shall not violate any existing agreement,
20 contract, easement, or right regarding the right-of-way.

21 d. The department may adopt rules to administer this
22 subsection.

23 EXPLANATION

24 The inclusion of this explanation does not constitute agreement with
25 the explanation's substance by the members of the general assembly.

26 This bill relates to harvesting grass growing in a public
27 road right-of-way.

28 Currently, Code section 314.17 prohibits mowing roadside
29 vegetation prior to July 15 of each year, with certain
30 exceptions. After July 15 of each year, Code section 317.11
31 allows a landowner to harvest the grass growing in the
32 right-of-way of a road adjacent to the landowner's land. The
33 department of transportation (DOT) form 810050 allows a person
34 other than the landowner to apply to mow and harvest hay in the
35 public road right-of-way with the permission of the adjacent

1 landowner.

2 The bill requires a landowner to notify the DOT by January
3 1 of each year if the landowner intends to harvest the
4 grass growing in the right-of-way of a road adjacent to the
5 landowner's land. If the landowner fails to do so, any person,
6 including the landowner, may apply to the DOT on or after
7 January 15 to obtain a permit to harvest the grass growing in
8 the right-of-way of a road adjacent to the landowner's land.

9 The bill requires the DOT to issue a permit to harvest the
10 grass growing in a particular area of the right-of-way based
11 on the earliest valid application. If the person issued the
12 permit is not the landowner, the grass may be harvested without
13 the landowner's permission. If the DOT issues a permit to a
14 person other than the adjacent landowner, the DOT must notify
15 the landowner by certified mail and the landowner is prohibited
16 from harvesting the grass growing in the right-of-way.

17 The bill requires a permit to meet certain requirements: the
18 permit shall not allow the person to harvest grass before July
19 15, the permit shall not allow the person to harvest vegetation
20 maintained as part of an integrated roadside vegetation
21 management plan, the permit shall not allow the person to
22 harvest grass in more than 640 acres of right-of-way including
23 any acres covered by the person's other permits, the area of
24 the right-of-way covered by the permit shall be no more than 10
25 miles from the person's residence, any grass harvested under
26 the permit shall be for personal use only, and the permit shall
27 not violate any existing agreement, contract, easement, or
28 right regarding the right-of-way.